

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**RICKY LOTT, GERALD SUMNER,
SANDY BECKER, and MIKE BALDWIN,**

Plaintiffs,

V.

PFIZER, INC.,

Defendant.

Civil No. **05-230-MJR**

ORDER

PROUD, Magistrate Judge:

In accordance with a fee award by U.S. District Judge Michael J. Reagan, on December 7, 2005, plaintiff was ordered to submit to defendant a revised statement of costs and expenses actually incurred as a result of removal, and a deadline for payment was set. **(Doc. 19).**

Defendant subsequently filed a motion to vacate the fee award itself, based on the Supreme Court decision in *Martin v. Franklin Capital Corp.*, No. 04-1140, 2005 WL 3299410 (Dec. 7, 2005), rejecting the presumption of entitlement to a fee under 28 U.S.C. § 1447(c) as a normal incident of remand. **(Doc. 20).** In the alternative, defendant requests that plaintiffs' \$25,616.86 fee request be reduced. **(Doc. 20).** By order dated December 22, 2005, U.S. District Judge Michael J. Reagan declined to vacate the fee award, leaving this Court to determine issues surrounding plaintiffs' fee request. **(Doc. 21).**

IT IS THEREFORE ORDERED that on or before **January 13, 2006**, plaintiffs shall file with the Court a response to defendant's objections to plaintiffs' \$25,616.86 fee request. Defendant shall then have until **January 23, 2006**, to file a response.

IT IS SO ORDERED.

DATED: December 29, 2005

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE